

REMARKS

Claims 1-6 and 9 are all the claims pending in the application. Claims 1, 2, 4, and 9 have been amended herein. This Amendment, submitted in reply to the Office Action dated June 4, 2008, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Information Disclosure Statement

In the Office Action, the Examiner points out that the listing of references in the specification was not a proper Information Disclosure Statement because it must be submitted in a separate paper and therefore the references have not been considered. However, Applicant notes that a separate IDS was filed on January 23, 2004 for these references, and the Examiner returned an initialed copy of the IDS with the Non-final Office Action of May 29, 2007, indicating that the references were considered by the Examiner at that point. Therefore, Applicant respectfully submits that these references have been previously considered, and another Information Disclosure Statement is not necessary at this time.

Claim Objections

The Examiner has objected to claims 1, 2, and 9 for being written in alternative form by reciting the limitation as “extracted from the sets of memory the sets of primary or secondary data elements”. In order to expedite the prosecution for the present application, claims 1, 2, and 9 have been amended herein, and Applicant submits that all of the Examiner’s concerns have been fully addressed. Therefore, Applicant respectfully requests that this rejection be withdrawn.

Objections to the Drawings

The Examiner has objected to the drawings because there is allegedly a lack of descriptive text legends for Figs. 1-2 and 4-8. Applicant respectfully submits that there is no requirement for “text” legends to be provided. MPEP 608.02(e) recites “The examiner should see to it that the figures are correctly described in the brief description of the several views of the drawing section of the specification, that the reference characters are properly applied, that no single reference character is used for two different parts or for a given part and a modification of such part, and that there are no superfluous illustrations.” The Examiner has not asserted the figures are incorrectly described, or that the reference characters are not properly applied. Applicant submits that the figures are properly and accurately described in the specification, and are fully in compliance with the MPEP. Therefore, Applicant submits that this objection is improper and respectfully requests that it be withdrawn.

The Examiner has also objected to the drawings for failing to show the every feature claimed. Specifically the Examiner asserts that the drawings do not show data being stored in a memory and “management means” as claimed. Applicant respectfully traverses this objection. 37 C.F.R. § 1.83(a) recites “The drawing in a nonprovisional application must show every feature of the invention specified in the claims. However, conventional features disclosed in the description and claims, where their detailed illustration is not essential for a proper understanding of the invention, should be illustrated in the **drawing in the form of a graphical drawing symbol or a labeled representation (e.g., a labeled rectangular box).**”

With respect to the sets of primary and secondary data stored in a memory as recited in the present claims, Fig. 1 shows a memory MM in which the primary and secondary files whose

data define the primary and secondary models of the elements constituting the network equipment. *See* Description on page 10, lines 1-5 of the specification. Further, Figs. 2-8 show the elements and their various arrangements which are represented by the first and second sets of data. In other words, the figures show the physical elements and their arrangement which the primary and secondary sets of data represent, as well as the physical memories on which the sets of data, are stored. Therefore, Applicant respectfully submits that these features are clearly shown in the drawings as filed. Further, Fig. 1 also shows the management module/means GM as claimed. *See* description on page 10, lines 5-10, for example. Therefore, Applicant respectfully submits that all claimed features are clearly shown in the drawings as filed, and respectfully requests that this objection be withdrawn.

Claim Rejections - 35 U.S.C. § 112

Claims 1, 2, 4, and 9 stand rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. Specifically, the Examiner asserts that Claims 1, 2, 4, and 9 which recite the phrase “adapted to” renders these claims indefinite. In order to expedite the prosecution for the present application, these claims have been amended herein and Applicant respectfully submits that these claims are sufficiently definite that a person of ordinary skill in the art would understand what is meant by the express claim language.

Further, the Examiner asserts that claims 1 and 9 recitations of the limitations “the sets of primary or secondary data of the elements of the equipment ...” is merely an intended use. MPEP 2106(II) (C) states “when evaluating the scope of a claim, **every limitation in the claim must be considered**. USPTO personnel may not dissect a claimed invention into discrete elements and then evaluate the elements in isolation. Instead, the claim as a whole must be

considered”. See, e.g., *Diamond v. Diehr*, 450 U.S. 175, 188-89, 209 USPQ 1, 9 (1981). Claim 9 recites “a management module which accesses said sets of primary and secondary data and extracts from the memory....” Applicant respectfully submits that this is clearly not an intended use language.

Further, claim 1 recites “management means for accessing said sets of primary and secondary data, extracting from the memory....” MPEP 2182 states “the application of a prior art reference to a means or step plus function limitation requires that the prior art element perform the identical function specified in the claim”. Therefore, Applicant respectfully submits that all of the language of claim 1 is entitled to patentable weight and must be considered by the Examiner. For at least these reasons, Applicant respectfully submits that the claim language of claims 1 and 9 is not merely intended use, and is clearly definite. Therefore, Applicant respectfully requests that this rejection be withdrawn and all the features recited be given patentable weight.

Claim Rejections - 35 U.S.C. § 102

Claims 1-6 and 9 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Machida et al. (U.S. Patent No. 6,885,387; henceforth “Machida”). Applicant respectfully traverses this rejection.

Claim 1 recites:

A system for managing the display of images representing network equipments of a communication network, said system comprising

a plurality of elements associated with hierarchical levels, **wherein each element is associated with a set of primary data stored in a memory which represents said element within the level to which said element belongs with no specific attachment to a level higher... and at least one set of secondary data stored in said memory which represents said element within the level to which said element belongs when said**

element is attached to a level higher than or equal to the level of said element in the hierarchy, and

wherein said system further comprises management means for accessing said sets of primary and secondary data and extracting from the memory at least one of the sets of primary and secondary data of the elements of the equipment ... when a request designating a chosen level of a network equipment with attachment is received...

and accessing said sets of primary and secondary data and extracting from the memory the at least one of the sets of primary and secondary data of the elements of the equipment that belong only to said designated level ..."

In other words, a system consistent with claim 1 consists of a plurality of elements arranged in a hierarchy and includes a memory which stores a first set of data representing each of the elements with no specific information regarding any connection between each element and any other element. The system also stores in the memory information representing the connection of each element to other elements within the system and when a request is received, the memory is accessed and the information is extracted from the memory.

Conversely, Machida teaches a system which scans all the network devices and gathers status information on each of the apparatuses within the network from a program memory and calculates the display positions based on the status information. *See* Col. 4, lines 4-11. The system of Machida does not store information regarding the interconnection of each of the apparatuses but instead recalculates this information each time a display request is received. *See* Col. 4, lines 9-11. Further, as would be apparent to a person of ordinary skill in the art, the program memory (PMEM) is not long term storage but is merely a buffer to temporarily hold information. This is described in Col. 2, lines 50-54, which describe operating programs being read off the hard drive 10 and stored in the PMEM 3 to be executed by the CPU. *See* Fig. 2. In

other words, the PMEM is a buffer for programs being executed by the buffer and does not store primary and secondary information on each element of the system as recited in claim 1.

Further, there is no teaching or suggestion of management means for accessing said sets of primary and secondary data and extracting from the memory at least one of the sets of primary and secondary data of the elements of the equipment, as claimed. Specifically, Machida does not teach elements associated with hierarchical levels or that such elements are associated with primary or secondary data as claimed in the Applicant's invention.

For at least these reasons, Applicant respectfully submits that claim 1 is patentable over the applied reference. Further, to the extent that claim 9 recites features similar to those discussed above, Applicant respectfully submits that claim 9 is patentable for analogous reasons. With respect to claims 2-6, these claims depend from claim 1, and Applicant respectfully submits are therefore patentable at least by virtue of their dependency. Therefore, Applicant respectfully requests that the rejection of claims 1-6 and 9, be withdrawn for at least the above discussed reasons.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appl. No.: 10/673,458

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880 via EFS payment screen. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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